

April 29, 2009

## Election Observer Panel Plan

### I. County and System Information

San Francisco  
John Arntz, Director  
415-554-4375  
Sequoia Voting Systems: Optech Insight, 400C and Edge II

### II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide an avenue for public observation of and input into the election process.
2. Assist in the integrity of the election process.
3. Encourage participation and build voter confidence in the election process.

### III. Invite

Between E-54 and E-39, we prepared letters of invitation (sample 1 attached) and distributed via email and fax. An announcement was also posted on our website:

1. Civil Grand Jury
2. Political Party Central Committee Members
3. League of Women Voters
4. Media
5. Advocacy Groups

Other groups or individuals expressing an interest in observing Election Day activities are invited to sign in at Room 48, obtain an Observer Badge, Schedule of Events and Observer Guide.

### IV. Appointment Letters for introduction to precinct workers (sample 2 attached)

After the groups have provided the names of interested panelists, letters of introduction (see sample attached) for the panelist to use when visiting polling places on Election Day. Panelists are given official observer badges, a list of all polling places, an observer guide with ballot processing procedures and schedule of events with location and hours of operation.

### V. Mechanism for Feedback (sample 3 attached)

Official Election Observers are encouraged to meet with the director to provide feedback on their experiences.



## City and County of San Francisco *Election Observer Panel*

The Election Observer Panel is convened to observe any or all activities before, during and after elections. These activities include, but are not limited to:

- Vote By Mail ballot processing
- Logic and accuracy testing
- Ballot processing and duplication
- Write-in vote processing
- Polling place activities
- Upload sites
- The official canvass:
  - Processing Provisional ballots
  - Processing write-in ballots
  - 1% manual recount of the election

The members of the Panel will select among themselves which activities they wish to observe and when they wish to observe them. The Department of Elections will make it clear that the Panel may observe any activities it so desires, including those in a polling place and at the ballot receiving and counting centers on Election Day. The Panel will understand it may observe any activity, as a group or individually. The staff of the Department of Elections will not attempt to steer the Panel to or away from any activity, but will respond to the questions of the Panel and provide them with assistance where possible.

The Department of Elections will invite the major news media in the San Francisco area, the qualified political parties, Grand jury members, and the League of Women Voters to participate on the Election Observer Panel by nominating a representative (*please note: only a total of TWO media representatives will be selected for the panel.*) The Department of Elections will discuss the purpose of the Panel and describe the activities that will occur in the future. The Panel will be taken on a comprehensive tour of the Department of Elections.

Each member of the Panel will be given an orientation and an observer guide for use in touring or observing any activities outside of the Elections Department, such as a polling place. The Precinct Election Officers are requested to allow the Panel to see all precinct operations and to respond to their questions.

After the conclusion of the official canvass, each member of the Election Observer Panel will be asked to sign a certificate, stating that the election was conducted openly and that he or she was allowed to observe and ask questions about the election and the vote count process. Each member will also be asked to identify improprieties, if any, they observed during the election process.



## Sample 1

April 20, 2009

Dear xxxxxxxxxxxx (Members) (Representatives):

The Department of Elections will convene an Election Observer Panel to observe activities associated with the xxxxxxxxxxxx Election, which will be held on xxxxxxxxxxxx. Representatives of the county central committees, the League of Women Voters, and the Civil Grand Jury, as well as media representatives, will be invited to participate.

Typically, members of the Panel visit one or more polling places on their own on Election Day and then visit Department of Elections in City Hall to observe the tabulation of ballots on election night. Panel members are also invited to observe staff at the Department of Elections as they process absentee ballots. Members of the Panel will be provided with the information they need to participate in these activities.

Should your organization be interested in participating, please appoint only *one* representative to the Official Elections Observer Panel. Please complete the enclosed/attached application, and return by fax to 415-554-7344 by Monday, xxxxxxxxxxxx by 5:00 P.M. If we receive more than one application from your organization, we will select one applicant by lottery on Wednesday, xxxxxxxxxxxx at 11:00 A.M.

If you have any questions regarding applying for the Official Elections Observer Panel, please contact xxxxxxxxxxxx or xxxxxxxxxxxx at 415-554-4375.

Thank you for your interest in protecting our electoral system.

Sincerely,



## Sample 2

May 6, 2009

To: Precinct Inspectors

From: John Arntz, Director

Re: Official Election Observer Panel

This letter introduces Mr./Ms. \_\_\_\_\_, whom I have appointed to the Election Observer Panel for the xxxxxxxxxxxxxxxxxxxxxx Election. Members of the Election Observer Panel are invited to observe activities related to the administration of an election, including visiting polling places.

No person, including a member of the Election Observer Panel, may interfere with the operation of polling places. Mr./Ms. \_\_\_\_\_ and other members of the Election Observer Panel may ask you to explain certain operations and procedures. Please extend every courtesy to Mr./Ms. \_\_\_\_\_.

If you have any questions on Election Day, please call our Department at 800-554-9934.

Thank you for your cooperation and your service to our county's voters.



## Sample 3

*City & County of San Francisco  
Department of Elections*

*Declaration of the Election Observer Panel*

I, the undersigned member of the Election Observer Panel, hereby declare to my knowledge, that: The xxxxxxxxxxxxxxxxxxxxxxx Election was conducted openly; I was allowed to observe and ask questions about the conduct of the election and the vote counting process; and I observed no improprieties during the process, except as noted below:

EXCEPTIONS (if any) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_  
Signature of Member

**OBSERVER GUIDE**  
**May 19, 2009**  
**Statewide Special Election**



**City & County of San Francisco**  
**Department of Elections**

# ELECTION NIGHT RESULTS REPORTING SCHEDULE

The Department of Elections will begin to release results of the election after the close of all polling places on Election Night. Upon receipt of the votes reported at each precinct, the Department will tabulate and make available the results of all Vote by Mail and precinct ballots tabulated by 8:00 p.m. on Election Night.

Shortly after the close of polls, there will be three ways to access San Francisco's unofficial election results. They are as follows:

1. 56 inch TV display in the North Light Court on the first floor of City Hall
2. SFGTV - Channel 26
3. Department of Elections website: [www.sfelections.org](http://www.sfelections.org)

The Department of Elections will also make printed reports available in the North Light Court and in our office in the following order:

- Vote-by-Mail Ballots **ONLY** for the first report
- First precinct results report
- Updated precinct results report

Reports will be distributed after the close of all polls and until 100% of precincts have reported.

An updated results report will be made available at 4:00 p.m. on Wednesday, May 20, and on most days thereafter.

The Department must process all votes, including Vote-by-Mail and Provisional before determining final election results. The Department will make final election results available within 28 days of the election, in accordance with state law.

# TABLE OF CONTENTS

## **INTRODUCTION**

	<b>Page</b>
GUIDELINES FOR OBSERVATION	1
OBSERVATION ACTIVITIES	2
PUBLIC OBSERVATION AREAS	3
OBSERVING ON ELECTION NIGHT AT CITY HALL	3
CANDIDATES & CAMPAIGNS	4

## **PRE-ELECTION ACTIVITIES**

POLLING PLACES & ACCESSIBILITY	5
LOGIC & ACCURACY TESTING	6 - 8
BALLOT DISTRIBUTION/PRECINCT BALLOTS	9 - 10

## **ELECTION DAY ACTIVITIES**

OBSERVING THE POLLS	11 - 12
CONDUCTING A CHALLENGE AT THE POLLS	13
INSIGHT MEMORY PACK & EDGE CARTRIDGE COLLECTION	14
ON ELECTION NIGHT (UPLOAD)	
PROCESSING CENTER	15 - 17
PROCESSING CENTER DIAGRAM	16

## **POST ELECTION - OFFICIAL CANVASS**

VOTE-BY-MAIL & PROVISIONAL BALLOTS	18 - 20
PROVISIONAL PROCESS DIAGRAM	21
CHALLENGES BY OBSERVERS	22
THE REMAKE PROCESS	23 - 24
THE REMAKE DECLARATION	24
THE CANVASS PROCESS	25

*The Observer Guide is intended to provide general information about observing the election process and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the Department of Elections (DOE) is not rendering legal advice, and therefore, the guide is not to be a substitute for legal counsel for the individual or organization using it. In case of conflict, the law, regulation or rule will apply.*



***OBSERVERS AND THE MEDIA*** must sign in **and** out at the DOE reception counter (Room 48, City Hall). Observers will be issued an observer's badge and assigned to a DOE guide. Observer badges must be returned to the DOE reception counter upon signing out.

**REMINDER:**

***Observers may only ask questions to the Supervisor on duty in the area being observed.***

## **GUIDELINES FOR OBSERVATION**

Citizens have the right to observe the processing and counting of ballots. To ensure the smooth functioning of the election, we request that all observers follow these rules of conduct:

- The DOE Site Supervisor shall designate observation areas at each site where observers can watch election processes. Due to limited space, the number of observers at one time may be restricted so as not to disrupt the work in progress.
- Observers must not disrupt the DOE staff or operations. Observers should address all questions and concerns, including challenges to the handling of ballots, to the Site Supervisor. Please do not speak directly with staff.
- Observers must keep at arm's length from staff at all times and must not touch any equipment or ballot containers, handle any ballots or enter restricted areas unless accompanied by DOE staff.
- Eating and drinking are prohibited inside the DOE or any observation area.
- Please turn off cell phones inside all DOE sites.
- If you fail to observe these *Guidelines for Observation*, you may be asked to leave the premises.

# OBSERVATION ACTIVITIES

## **PRE-ELECTION**

- Logic & Accuracy (L&A) testing of voting machines, which includes the following:
  - Insight machines (precinct optical scan ballot tabulators)
  - 400C machines (Vote-by-Mail and precinct ballot optical scan and tabulator)
  - EDGE Voter Assist Terminals (a touchscreen machine designed primarily to assist people with specific needs to vote independently and privately at the precinct or early voting center. This machine provides a paper audit trail that voters are able to review before confirming their selections.)
- Receipt and storage of Vote-by-Mail ballots
- Signature/eligibility verification of Vote-by-Mail ballots
- Opening and preparation for counting of Vote-by-Mail ballots

## **ELECTION DAY**

- 409 Polling Place Locations Citywide 7 a.m. — 8 p.m.
- Results Reporting at City Hall, on the DOE website and SFGTV, Channel 26.
- Processing Center at Pier 48

## **POST ELECTION - OFFICIAL CANVASS**

- Processing provisional ballots and Vote-by-Mail ballots returned to polling places at City Hall
- Processing write-in ballots (not applicable for the May 19, 2009 Statewide Special Election)
- 1% manual tally of the precinct ballots and Vote-by-Mail ballots at Pier 48
- 100% manual tally of the precinct EDGE on the Voter Verifiable Paper Audit Trail (VVPAT) printout
- Updated results releases at City Hall

## PUBLIC OBSERVATION AREAS

The DOE designates certain areas for public viewing of the election process. The personnel at the reception counter at Room 48 can assist you in locating these areas.

Once you arrive at the observation area, DOE staff will explain the specific processes at the various sites.

Please refer to the “Guidelines for Observation” on **Page 1** when observing the sites.

## OBSERVING ON ELECTION NIGHT AT CITY HALL

- Vote-by-Mail Ballot processing can be viewed through the observation window of the Department of Elections, City Hall, Room 48.
- Two viewing monitors will be placed outside of the Department on Election Night.
- Election Night results can be viewed in the North Light Court at City Hall.
- If you have a question about the process you are observing, please ask for assistance at the DOE reception counter at Room 48.

## CANDIDATES & COMMITTEES CAMPAIGN HEADQUARTERS

Candidates and/or their representatives may observe the Election Day and Night process by calling (415) 554-4390 before Election Day to make an appointment.

To maintain the integrity of the electoral process, the Department is unable to allow observers to use the Department's telephones or other resources. Additionally, observers must not interfere with the staff or any processes, and all questions must be directed to the Supervisor.

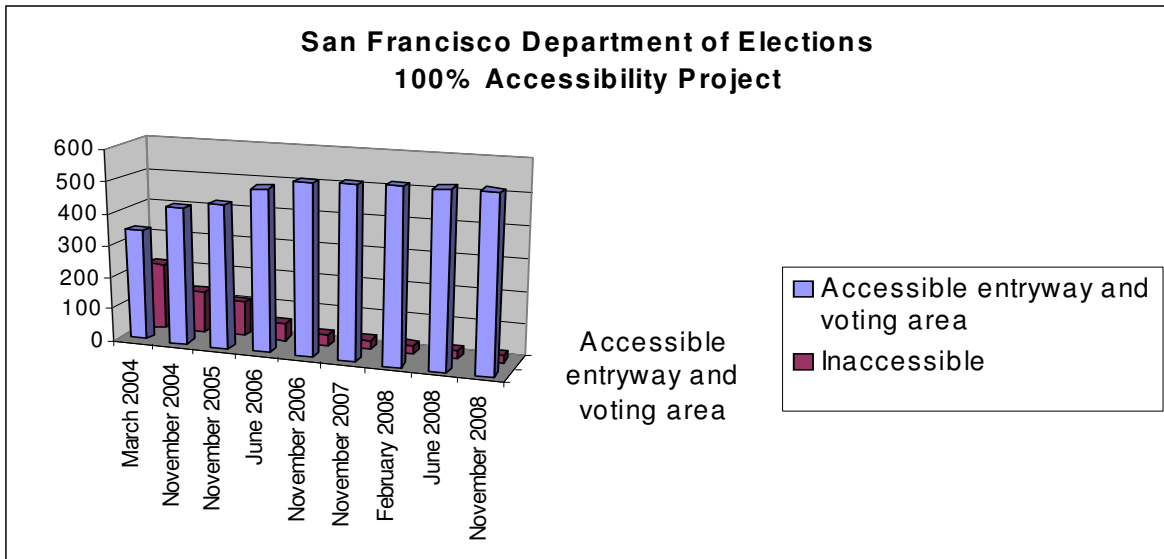
## PRE-ELECTION ACTIVITIES

### POLLING PLACES & ACCESSIBILITY

The Precinct Services Division is responsible for providing clean, well-lit, accessible polling sites for 561 voting precincts located in San Francisco. Due to budget constraints more than 25% of the precincts were consolidated for the May 19th 2009 Statewide Special election (as allowed under Section 12241 of the California Elections Code), reducing the number of active polling places to 409. This Division has used these cuts to eliminate many of the inaccessible and smaller sites still being used by the Department.

Since early in 2004 Precinct Services has worked very diligently to increase the accessibility of polling places. The advent of additional accessibility equipment created the need to provide larger spaces and in 2006 smaller sites were targeted for relocation.

Below is a chart that represent the improvements that have been made through November 2008.



In addition to an optical scan unit and in keeping with the Help America Vote Act (HAVA), San Francisco equips each polling place with a voting machine (Edge) that is accessible to persons with disabilities. This equipment offers voters the option of using a touchscreen with a Voter Verified Paper Audit Trail (VVPAT) and is designed to help people with specific needs vote independently and privately.

The Edge provides multiple ways to cast a vote, including a touchscreen interface, an audio with Braille keypad, and an option to use other assistive tools such as a sip/puff device. It also has an audio function that allows voters to listen to instructions and choices while marking their ballots a zoom feature to increase screen and font size, and both written and audio translations in Chinese and Spanish.

New for this election: Multi-user sip/puff devices and head pointers are available at our City Hall Office and Can be dispatched to a polling place by calling (415) 554-4384. Placing a request in advance (preferably 72 hours prior) will help ensure availability and assist in scheduling.

## LOGIC & ACCURACY TESTING

### **Pier 48 Warehouse (Shed B), Terry Francois Blvd. and City Hall, Room 48**

The Department of Elections is required by law to conduct Logic and Accuracy (L&A) testing of all vote tabulating equipment prior to each election. L&A testing is used to check that the voting equipment and tabulating system to be used for the election are working properly and to verify that the specific ballot information for each precinct is correctly coded. L&A testing ensures that votes are properly and accurately recorded, tabulated, and reported.

L&A testing consists of running a set of marked test ballots (using applicable ballot types) through each voting machine and comparing the vote count with predetermined results to verify the accuracy of the formulated software for a specific election. On the EDGE voting system a similar procedure is run using a simulated and a manual voting process.

### **TESTING OF VOTE TABULATORS TO BE USED IN PRECINCT POLLING PLACES**

The Insight and EDGE voting machines are stored in the Department of Election's warehouse on Pier 48, Shed B, which is located in China Basin in San Francisco. All workers and visitors are required to wear identification badges. During non-working hours, the warehouse is secured.

When the test ballots arrive from the printer, they are first validated and later transported to Pier 48, Shed B to begin the Logic and Accuracy testing of San Francisco's precinct voting system. There are 409 polling places and 1 ballot type for the May 19, 2009 Statewide Special Election. A total of 409 precinct specific Memory Packs (one each per Insight) will be programmed to read the ballots and store the results of the tabulation for each precinct. In addition, 409 precinct specific Results Cartridges containing the ballot type for a particular precinct will be programmed for the EDGE. Similar to the Insight Memory Pack, the Edge Result Cartridge will contain the ballot image cast on that machine and the tabulated result. The Department will be testing additional Insight units and will prepare additional EDGE units to serve as backups on Election Day.

## LOGIC & ACCURACY TESTING

### continued

### **INSIGHT TESTING**

Prior to the start of testing, cleaning is done and preventative maintenance is performed on the Insights. During the actual testing, memory packs and Insight precinct ID cards are sorted and distributed to each machine to be tested. Test decks are read into each Insight. The Insight tape and precinct report are printed for each precinct and the report is proofread for accuracy by DOE staff. After this verification, the memory pack is uploaded and the results tallied.

A precinct report is printed based on the uploaded results and the report is proofread for integrity and accuracy by another DOE review team. After successful verification of the precinct reports, the memory packs are returned to the Insight testing personnel, inserted back into the Insight, and zeroed out to be ready for Election Day.

Once an Insight has been successfully tested, a serialized tamper-evident seal is attached to the memory pack cover on the Insight to ensure that no untimely or unauthorized removal of the pack will occur. Next, the Insight is placed inside a black bag which is also closed and secured with another tamper evident seal. The Insight is then securely stored by precinct number in preparation for delivery to the precincts.

### **EDGE TESTING**

EDGE voting machines allow voters with specific needs to vote independently and privately using a touchscreen or audio keypad. These machines are tabulating machines like the Insight, but are tested differently. Testing is normally carried out by running a simulation card with predetermined test ballot scripts. After the machine has completed the simulation run, the manual voting is done. After all the voting is completed, a summary report is printed and compared with the predetermined result for accuracy. All other components required by the Edge machine (Card Activator, VeriVote printer, and Audio Keypad) must be working properly and the results matching for the Edge to pass the testing.

After a successful test, the Result Cartridge is inserted back into the Edge. Each Edge machine will have a serialized tamper-evident seal placed on the result Cartridge compartment for use on Election Day.

## LOGIC & ACCURACY TESTING

continued

### **TESTING OF VOTE TABULATORS TO BE USED FOR VOTE-BY-MAIL BALLOTS**

For this election, there are 19 Vote-by-Mail precincts. Ballots for these precincts, as well as all vote-by-mail ballots, will be tabulated using four 400C machines. These machines are located in the computer room of the Department of Elections. At least one precinct for each ballot type and all Vote-by-Mail precincts will be tested on each machine. The testing of the 400C machines is conducted similarly to the Insight testing, using a select number of precincts representing all the ballot types.

The Department of Elections must complete testing of all the machines for use in the Election at least seven days before the Election. After the testing has been completed for all of the Insight, EDGE, and 400C machines, the results are presented to the L&A Board. The L&A Board, which is composed of registered voters who come from different fields of work, is responsible for reviewing and approving the Test Results, and later, for reviewing and approving the overall result of the test. The L&A Board must approve and certify the testing before the election.

Note: The scheduled dates for the testing will be made public at least three days before testing begins.



## BALLOT DISTRIBUTION

### Precinct Ballots

The Department's Ballot Distribution staff receives, checks, and distributes unvoted precinct ballots and generic ballots (ballots without precinct numbers). The ballot distribution process is as follows. Ballots are:

- delivered from the printer;
- checked for quality and quantity;
- logged and organized on shelves;
- assembled for Precincts, Field Election Deputies (FEDs) and
- picked up by or delivered to Inspectors at least six days before the election.

The Ballot Distribution staff also prepare precinct materials and supplies for Inspectors (see page 10). These supplies are given to each Inspector when he/she arrives to pick up his/her precinct supplies prior to Election Day.

### **DISTRIBUTION OF BALLOTS AND INSPECTOR SUPPLIES**

Inspectors pick up their precinct supplies during the week prior to the election. In the event an Inspector is unable to pick up supplies, the Department of Elections will arrange for delivery.

The process is as follows:

- Inspector signs in at the reception counter, indicating the precinct to which they are assigned;
- DOE staff verifies that Inspector is stating the correct precinct for which he or she is assigned by referring to the list of precincts with the Inspectors' names;
- Inspector signs the list;
- Inspector is escorted to a waiting area;
- A staff member is dispatched to retrieve the precinct-specific Supply Bag from the storage room;
- Staff carries supplies and also escorts the Inspector from the waiting area to the checking area;
- The Inspector and DOE staff check contents of the Supply Bag together, verify the contents, and sign the Custody Transfer Form (CTF). This form serves as a document to record the chain of custody of the ballots;
- DOE staff keeps a copy of the signed Ballot Custody Form and Inspector keeps the remaining four copies.

# BALLOT DISTRIBUTION

## Precinct Ballots and Supplies

Precinct supplies are packed in plastic Supply Bags (rice bags) and are brought to the polling place by the Inspector. Precinct supplies include:

### **Contents of the Rice Bag**

- Ballots
- (Black) Inspector Folder (see contents below)
- (Clear Plastic Bag) Supply Pack (see contents below)

### **Contents of the Black Inspector Folder (Precinct Specific Materials)**

- Custody Transfer Form
- Inspector Workbook
- Precinct Staffing and Bilingual Requirements Form
- (White) Roster of Voters
- (Purple) Late but Eligible Voters list (stapled in Roster; *not all precincts have this list*)
- (Gray) Supplemental Vote-by-Mail Voters List (*not all precincts have this list*)
- (White) Payroll Sheet
- (Green) FED Phone Number Sheet
- (White) Street Index (2 copies: "Table" and "Posted")
- Precinct # sheet
- (Blue) Universal Accessibility Sign (*not all precincts have this sign*)
- Polling Place Key (*not all precincts have the key*)
- Special Instructions on how to set up polling place (*not all precincts have the instructions*)

### **Generic Materials**

- (Blue) Polling Place List
- (Orange) Election Day Parking Permits (5)
- Inspector Election Day Feedback Form w/ Return Envelope
- Red Cord with a set of 2 Insight Keys
- Voting Machine Issue Log (3)
- Job Cards (1 set of Opening, 1 set of Voting Procedures, and 1 set of Closing)
- Pollworker Break Schedule

### **Contents of the Supply Pack**

- Ballot Marking Pens (12)
- Ballpoint Pens (1 red and 12 blue)
- Pen grip (2)
- Blank write-on tabs for Roster (1 set)
- Pollworker Nametags (4 English, 3 Chinese, 2 Spanish, 2 Russian)
- Pin-on badges for the nametags (4)
- Pollworker Pins (4)
- Green small plastic seal (1)
- Yellow small plastic seal (2)
- Blue small plastic seal (1)

## ELECTION DAY ACTIVITIES

### OBSERVING THE POLLS

The elections process is open for public observation. Poll monitors, including representatives of campaigns, may observe polling place activities from opening until all closing procedures are completed and may obtain information from the Street Index that is posted near the entrance to the polling place. The Street Index is updated by the pollworkers once each hour up to and including 6:00PM. *CEAC § 14294*

*Observers are responsible for:*

- Introducing themselves to the pollworkers upon arrival to the polling place;
- Wearing an identification badge when in the polling place;
- Maintaining a professional manner while observing the election process; and
- Directing any concerns about procedures or observations to the Department of Elections at (415) 554-4375.

*Observers may not:*

- Interfere in any way with the conduct of the election;
- Assist in polling place operations or touch any voting materials or equipment;
- Challenge actions by pollworkers or sit at the official pollworker table;
- Converse with voters (within 100 feet of the entrance to a polling place) regarding the casting of a vote, or speak to a voter regarding his/her qualifications to vote.

*Rules for Members of the Media:*

- Clearly identified members of the news media may be within 25 feet of a polling place, and may speak to voters leaving the site as long as they do not interrupt voting. However, voters may not, without the voter's permission — be photographed, videotaped or filmed entering or exiting a polling place, and may not be filmed inside the polling place;
- Display any election material or wear campaign badges, buttons or apparel;
- Use cellular phones, pagers, computers or other communication devices inside the polling place; and
- Eat, drink or smoke inside the polling place.

## OBSERVING THE POLLS (Continued)

The following are the California Elections Code provisions regarding observing the polls:

- All poll monitors are to refrain from talking in loud voices or otherwise exhibiting behavior which could cause confusion, or the congregating of excessive numbers of persons inside the polling place. Interference with the election and canvass, or with a voter casting a ballot, is punishable by imprisonment in state prison for up to three years. *CAEC § 18502*
- Electioneering, including wearing campaign badges or taking campaign material or literature into the polling place, is not permitted within 100 feet from the entrance or door to the room in which voters sign the roster and cast their ballots. Only poll workers can post election signs within 100 feet of a polling place. *CAEC § 18370*
- The use of force, violence or tactics of coercion or intimidation to compel a person to refrain from voting at any election is a felony punishable by imprisonment in state prison. *CAEC § 18540*
- The Secretary of State, in consultation with the California Attorney General's Office, concluded that a 25-foot limit on exit polling was enforceable. Therefore, exit polling is permitted no closer than 25 feet from where voters are casting their ballots. No person may come into a poll to film voters, including voters in the booth, unless the voter consents and there is no disruption to other voters or the voting process and as long as there is no intent to dissuade the voter from voting. *CAEC § 18541a*
- The area between the official table and the voting booths is available to voters only and may not be designated as an observer post. *CAEC § 14221*
- Poll Monitors may not sit at the official table. *CAEC § 14223(a)*
- Indexes marked to indicate persons who have voted are posted for reference for the public. Poll monitors are not allowed to remove or tamper with the street indexes. Signature rosters may be inspected provided there is no interference with poll operations or delay or inconvenience to the voters. *CAEC §§14202 & 14223(b)*
- Damaging or tampering with voting equipment or official election materials in a polling place is a felony, punishable by imprisonment in state prison for up to 4 years. *CAEC § 18564*

## CONDUCTING A CHALLENGE AT THE POLLS

Only an Elections Official may challenge a person's eligibility to vote. If you believe a person's eligibility to vote should be challenged and you have documented evidence of the reason for the challenge, you may initiate a challenge by contacting the Department of Elections. The Director of Elections makes the final decision in a voter challenge.

A person's eligibility to vote on Election Day may be challenged for any of the following reasons:

- The voter is not a resident of that precinct;
- The voter is not the person whose name appears on the roster;
- The voter is not a citizen of the United States;
- The voter has already voted that day; and/or
- The voter is on parole for the conviction of a felony.

### ***Important to remember:***

1. *Without documentation, a challenge shall be resolved in favor of the voter.*
2. *If persistent challenging of a voter causes that voter (or others) to leave the polling place due to insufficient time or fear of intimidation, then the challenge must be dropped and noted in the roster.*

# INSIGHT MEMORY PACK AND EDGE CARTRIDGE COLLECTION ON ELECTION NIGHT

## **RECEIPT OF INSIGHT MEMORY PACKS AND EDGE CARTRIDGES AT CITY HALL ON ELECTION NIGHT**

Deputy Sheriffs and Parking Control Officers (PCOs) from the Department of Parking and Traffic (PCO) are assigned routes of approximately five to six precincts. After the close of the polls, the Deputy Sheriffs and PCOs pick up the memory packs and cartridges from the precincts on their assigned routes and deliver them to Election staff at City Hall, McAllister Street entrance.

The Deputy Sheriffs/PCOs and Election staff will sign the pick up route sheets when custody of the memory packs and cartridges is transferred to the Department of Elections. Election staff will take inventory of the memory packs and cartridges using a scanning device and laptop. Afterwards, the memory packs and cartridges are given to the Department's MIS division for upload. When uploading of the memory packs and cartridges is completed, the memory packs and cartridges are placed in boxes according to the first two digits of the precinct numbers. Once the process is completed, boxes containing the Insight memory packs and Edge cartridges are sealed and secured in Room 59.

# PROCESSING CENTER

## RECEIVING OF SUPPLY BAGS AT PIER 48 ON ELECTION NIGHT

**Hours on Election Night are 7:00 p.m. to 3:00 a.m.**  
**Location: The Department of Elections Warehouse at Pier 48**

At the close of polls, Inspectors sort and seal election materials in plastic bags and pack them in the Supply Bag for pick-up by Deputy Sheriffs.

Bag #2: Ballots from Bin 2 (Voted Ballots)  
Bag #3: Ballots From Auxiliary Bin (Ballots NOT processed by Insight)  
Bag #4: Spoiled Insight Ballots  
Bag #5: Provisional Envelopes and Voter Registration Cards  
Bag #6: Voted Vote-by-Mail Envelopes  
Bag #7: Surrendered Vote-by-Mail Ballots and Envelopes  
Bag #8: Roster, Provisional Roster, and Street Indexes  
Bag #9: Inspector Workbook, Voting Machine Issue Logs, and Broken Plastic Seals  
Black Bag: Edge Printer(s)

Deputy Sheriffs are assigned routes of approximately five to six precincts. After the close of polls, the Deputies pick up the Inspector Supply Bags and the plastic containers with the EDGE printers from the precincts on their assigned routes, and transport the materials to the Elections Processing Center at Pier 48.

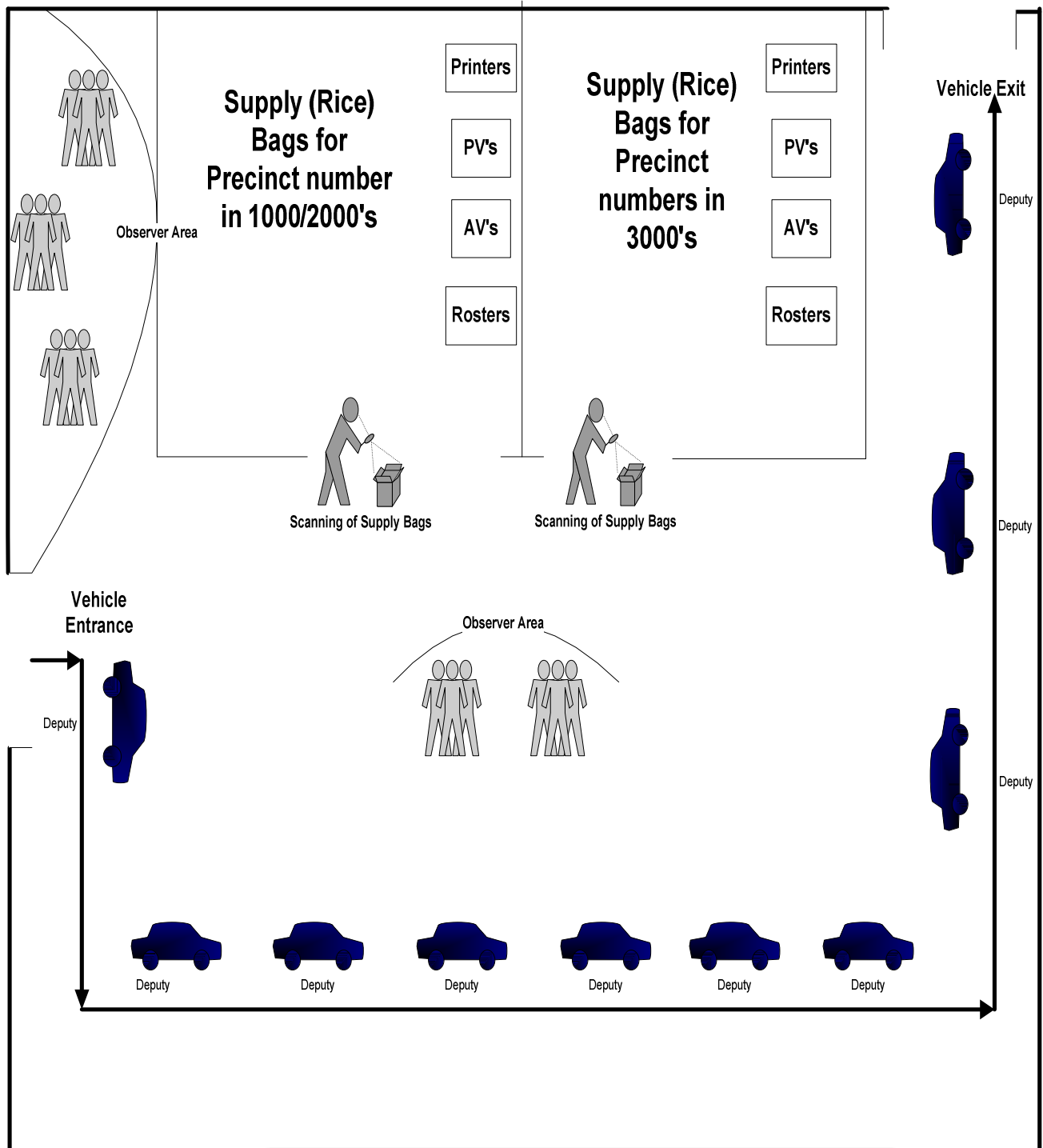
The unloading zone at Pier 48 can accommodate nine vehicles and staff work in teams of four to five to unload and check the precinct numbers of the arriving materials. The Election staff and Deputy Sheriffs will sign the Custody Transfer Forms (CTF) when custody of the ballots are given to the Department of Elections.

After the Supply Bags with ballots are unloaded and before they are moved to the staging areas, the barcodes on the Supply Bags are scanned to track which have been received at Pier 48.

The Supply bags are then moved to the staging area, which is set-up with marked precinct numbers for inventory and material removal.

# PROCESSING CENTER

continued





## PROCESSING CENTER

### continued

#### **SEPARATION AND TRANSPORT OF ROSTERS OF VOTERS AND BALLOTS**

The sealed plastic bags Provisional envelopes and Voter Registration Cards (Bag # 5), the Rosters of Voters (Bag # 9), and Vote-by-Mail envelopes containing ballots (Bag # 6 and 7), are removed from the Supply Bags.

A raw count of Vote-by-Mail and Provisional envelopes is taken on Election Night, and the Rosters of Voters and EDGE printers are scanned to track the precincts for which these items have been received. At 8:00 a.m., on the day after the Election, election personnel accompanied by Deputy Sheriffs transport the sorted Vote-by-Mail ballot envelopes and Provisional ballot envelopes and the Rosters of Voters to City Hall.

Ballots from Bin 2 (Bag # 2), ballots from Auxiliary Bin (Bag # 3), Spoiled ballots (Bag # 4) and unvoted ballots are kept at Pier 48 to start canvass the following day.

## OFFICIAL CANVASS—POST ELECTION

### VOTE-BY MAIL & PROVISIONAL BALLOTS

CAEC § 3019 & 14310

#### BALLOT PROCESS

The Provisional ballots are counted after all Vote-by-Mail ballots are processed. California Elections Code sections 3019 and 14310 establish the procedures for processing Vote-by-Mail and provisional ballots. Upon receipt of the Vote-by-Mail or provisional ballot, the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare, deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

No ballot shall be removed from its identification envelope until the time for processing. No ballot shall be rejected for cause after the envelope has been opened. VBMs may be opened and ballots extracted starting seven business days prior to the election (CAEC § 15101).

***DOE data entry staff complete the following:***

1. Count and tally total Vote-by-Mail envelopes containing ballots;
2. Sort out Vote-by-Mail ballots that have no signature, were surrendered, spoiled/damaged, or have unsealed envelopes;
3. Prepare and batch scannable Vote-by-Mail envelopes containing ballots;
4. Upload scanned Vote-by-Mail envelopes containing ballots into DIMS (Data Information Management System) by identification number, which automatically prompts for signature verification;
5. Manual signature check of unscannable/damaged Vote-by-Mail envelopes containing ballots; and
6. Verify signatures and addresses by comparing them to the voter registration files. (CAEC § 3019)

## **OFFICIAL CANVASS—POST ELECTION**

### **VOTE-BY MAIL BALLOTS**

**Vote-by-Mail ballots may be challenged by the Department of Elections for the following reasons:**

- No voter signature;
- Signature does not compare or match to the voter registration on file;
- Signed using power of attorney;
- Received after the close of the polls on Election Day;
- Returned by a third party who is not eligible or authorized to return the voted ballot on behalf of the absent voter;
- Faxed ballot by voter who has not been designated as a special Vote-by-Mail voter; and
- Signature is printed.

**DOE Ballot Distribution staff complete the following:**

1. Manually sort accepted Vote-by-Mail envelopes containing ballots according to precinct numbers.
2. Open Vote-by-Mail envelopes using an envelope opener machine.
3. Remove ballots from ballot envelopes with the return address information face down to avoid looking at the voter's name.
4. Straighten ballots and lay flat.
5. Insert Header Cards for each precinct.
6. Bring ballots for tabulation to the computer room at City Hall and count using the Optech 400C voting system.
7. Store read ballots in boxes with tamperproof seals after counting. (CAEC § 15279).
8. Transfer outstack ballots from the computer room to remake area (location to be determined) for ballot duplication.

# OFFICIAL CANVASS—POST ELECTION

## PROVISIONAL BALLOTS

### PROVISIONAL BALLOT PROCESS

#### **DOE data entry staff complete the following:**

1. Tally provisional envelopes containing ballots received from each precinct.
2. Insert Control Header Sheet for each precinct batch.
3. Review each provisional ballot, verifying why the voter voted provisionally. A voter may vote provisionally if:
  - Voter lost or did not receive Vote-by-Mail ballot;
  - Voter is not listed in the roster and claims to be a registered voter;
  - Voter is voting outside of his or her assigned precinct;
  - Voter has moved within San Francisco County and did not re-register.
4. Determine if provisional ballot will be accepted or challenged.

#### **DOE Ballot Distribution staff complete the following:**

1. Manually sort accepted Provisional ballots according to precinct numbers.
2. Open Provisional envelopes using an envelope opener machine.
3. Remove ballots from ballot envelopes with the return address information face down to avoid looking at the voter's name.
4. Straighten ballots and lay flat.
5. Insert Header Cards for each precinct.
6. Bring ballots for tabulation to the computer room at City Hall and count using the Optech 400C voting system.
7. Store read ballots in boxes with tamperproof seals after counting. (CAEC § 15279).
8. Transfer outstack ballots from the computer room to remake area (location to be determined) for ballot duplication.

#### **Provisional ballots may be challenged by the Department of Elections on the following grounds:**

- No voter signature;
- Signature does not compare to the voter registration on file;
- No ballot is enclosed;
- Voter is not registered; and/or
- No residential address is provided on envelope.

***NOTE: Ballots that are challenged are neither opened nor counted until review or determination by the Department of Elections.***

# PROVISIONAL PROCESS DIAGRAM



## **OFFICIAL CANVASS—POST ELECTION**

### **CHALLENGES BY OBSERVERS**

CAEC § 15104-15108

California Elections Code 15104 states that observers shall be allowed sufficiently close access to enable them to observe and challenge whether Department of Elections staff handling the Vote-by-Mail and Provisional ballots are following established procedures, including the following:

- Verification of signatures and addresses by comparing them to voter registration file;
- The Vote-by-Mail was not received within the time provided by law;
- The voter is imprisoned for a conviction of a felony;
- Duplication of damaged or defective ballots; and
- Securing of ballots to prevent any tampering.

Challenges must be made before the affected envelope is opened by an elections official. Because the voter is not present, the challenger must present extraordinary proof of the validity of the challenge at the time the challenge is made.

The Director of Elections shall make the ruling on a challenge. If the challenge is denied, the envelope shall be opened and the ballot counted. If the challenge is upheld, the envelope shall remain sealed. The cause of the challenge and its resolution is noted on the face of the sealed envelope.

# OFFICIAL CANVASS—POST ELECTION

## THE REMAKE PROCESS

The California Constitution guarantees that each vote cast in accordance with State election laws shall be counted (California Constitution, Article II, § 2.5).

Under certain circumstances, when a ballot is lawfully cast but unreadable by the vote counting equipment, the Department of Elections must “remake” the ballot so the ballot can be read and processed by the equipment.

The following is a list of the most common situations in which the Department of Election remakes ballots:

- A portion of the ballot is torn off;
- The ballot card is ripped;
- The ballot card is bent, folded, creased or wrinkled;
- The ballot card is damp, dirty, or sticky;
- The ballot card has ink smudges, eraser marks, or eraser holes;
- The ballot has stray marks that could interfere with the ability of the equipment to count votes cast on the ballot;
- The voter used a pencil or pen that cannot be detected by the vote counting equipment; and/or
- To capture voter intent.

The Department of Elections determines when it is necessary to remake a ballot; they will also “remake” the photocopied and/or faxed ballots issued to overseas voters prior to processing.

The remake crew consists of four members: two Screeners and two Markers. Working together, the Screeners review each ballot to determine whether a remake is necessary; if needed, the Markers duplicate the votes cast on the original ballot on the remake ballot. The remake must reflect the intent of the voter, as determined by the Screeners. The Markers use ballot pens provided by the voting system vendor to ensure that the vote count equipment can read the marks.

The Markers must code both the original ballot and the remake (duplicate) ballot with the following information:

- “V” to indicate that the original was an Vote-by-Mail ballot;
- “PV” to indicate that the original was a provisional ballot;
- “E” to indicate that the original was a Edge ballot;
- “Pct” to indicate that the original was a polling place ballot;
- Precinct number;
- Initials of the person marking the remake;
- Date the remake was made;
- Number of the remake ballot in sequence number; and
- Serial number to trace back to original ballot.

## **OFFICIAL CANVASS—POST ELECTION**

### **THE REMAKE PROCESS (Continued)**

Each member of each remake team is required to sign a declaration, under penalty of perjury, stating that the member followed all procedures and instructions provided by the Department of Elections, did not mishandle or tamper with any ballots or otherwise interfere with the elections process. A copy of the declaration is below.

#### **BALLOT REMAKE DECLARATION**

#### **MAY 19, 2009 STATEWIDE SPECIAL ELECTION**

#### **ELECTION WORKER OATH**

I, \_\_\_\_\_, hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties assigned to me for the May 19, 2009 Statewide Special Election to the best of my abilities.

I affirm that I understand that tampering with, interfering with, or altering any ballot, voting equipment or software, or election materials is prohibited by law. I further affirm that any acts constituting the tampering, interference, or the altering of ballots, voting equipment or software, or of election materials may result in fines or represent felonies punishable by imprisonment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this \_\_\_\_\_ day, during the month of \_\_\_\_\_, 2009, in San Francisco, California.

\_\_\_\_\_  
Signature



# THE CANVASS PROCESS

## California Election Code § 15302

Official canvass tasks include, but are not limited to, the following:

Inspection of all materials and supplies returned by pollworkers;

- a) A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement;
- b) In the event of a discrepancy in the reconciliation required the number of ballots received from each polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement;
- c) A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including Vote-by-Mail and Provisional ballots, by the vote counting system;
- d) Processing and counting any valid Vote-by-Mail and Provisional ballots not included in the semifinal official canvass;
- e) Counting any valid write-in votes; (not applicable for the May 19th Statewide Special Election)
- f) Reproduction of damaged ballots, if necessary;
- g) Reporting final results to the governing board and the Secretary of State, as required.

California State law also requires an official canvass audit of the vote tabulating equipment to ensure the accuracy and validity of the results (*CAEC § 15360*.) This entails numerous manual processes that verify the accuracy of the computer count, including a hand tally of polling place and Vote-by-Mail ballots cast in 1% of the precincts. The Department will also conduct a 100% tally of the EDGE Voter Verifiable Paper Audit trails (VVPAT).

California election law allows 28 days following an election for the election official to conduct the official canvass and certify the election results. The Official Canvass is open to the public. California Elections Code § 15301 requires the official canvass to begin no later than Thursday following Election Day.

### ***Canvass Observers***

- The canvass area is secured 24 hours a day by the San Francisco Sheriff's Department .
- The area is accessible only to authorized personnel with the proper ID card or to observers accompanied by assigned DOE staff.
- Observers may ask questions and make notes of the proceedings but shall not interfere with the orderly process of the canvass or assist in the operations of the canvass.
- No ballots may be taken from the area without a written memo from the Director of Elections and only if proper arrangements for security during transfer are available.
- No eating is allowed in the canvass area.
- Loud noises and other distractions are prohibited. The use of personal audio players are not allowed while canvass is in progress.

### ***Location***

The Canvass is conducted primarily at the Department's warehouse located at Pier 48.

OBSERVER NOTES
----------------

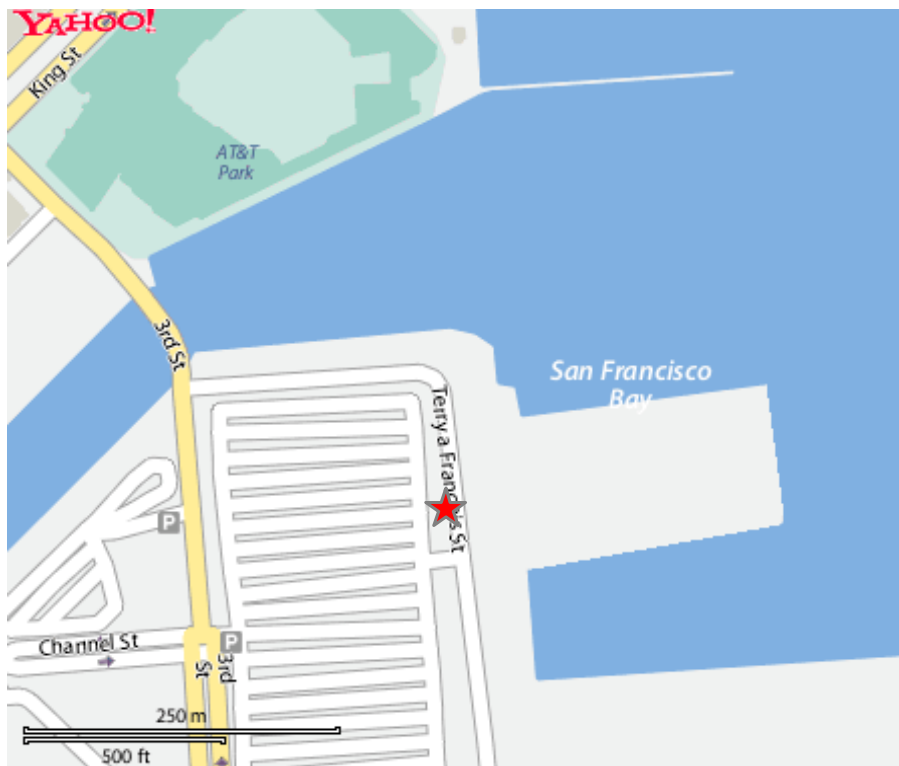
This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## DIRECTIONS

To Processing Center, Pier 48

### FROM CITY HALL:

- Turn left onto Grove St
- Turn slight right onto Hyde St
- Hyde St becomes 8th St
- Turn left onto Townsend St
- Turn Right onto 4th St
- Turn left onto King St
- Turn right onto 3rd St
- Cross the bridge
- Turn left on Terry Francois St, going towards McCovey Cove
- Follow the street around the corner and Pier 48 will be the first pier on your left.



### Location: Pier 48

Turn south onto 3<sup>rd</sup> at King St. Cross Lefty O'Doul's Bridge, make 1<sup>st</sup> left at light



## **San Francisco City Hall**

**The San Francisco Department of Elections  
is responsible for conducting all federal, state and local  
elections in the City and County of San Francisco.**

**1 Dr. Carlton B. Goodlett Place, Rm. 48  
415-554-4375 office / 415-554-7344 fax  
[www.sfelections.org](http://www.sfelections.org)**

**OFFICE HOURS  
Monday through Friday, 8:00 A.M. to 5:00 P.M.**



***The San Francisco Department of Elections (DOE) must:***

“...Conduct all public federal state, district and municipal elections in the City and County...[This includes] voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.”

(San Francisco Charter § 13.104)